

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

DWAYNE ANTHONY CONLEY,

Defendant.

19-CR-131-03 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

The Court has received a *pro se* motion from defendant Dwayne Anthony Conley pursuant to Federal Rule of Criminal Procedure 36, asking the Court to modify the restitution payments the Bureau of Prisons (“BOP”) has ordered him to make pursuant to the BOP’s Inmate Financial Responsibility Plan. Dkt. 1009. The Court has also received the Government’s opposition. Dkt. 1011.

The Court **DENIES** Conley’s motion, because Rule 36 is inapplicable. It permits a Court at any time to correct “a clerical error in a judgment ... arising from oversight or omission.” Fed. R. Crim. P. 36. Conley does not, however, allege any error in the judgment. His motion’s premise is instead that the judgment is correct and that the BOP is improperly implementing it.

The Court directs Conley to footnote 3 in the Government’s opposition, which explains that an inmate who raises issues of this nature must first pursue administrative procedures within the BOP before filing suit.

The Clerk of Court is respectfully directed to terminate the motion pending at docket 1009 and to mail a copy of this order to the defendant at the address below:

Dwayne Anthony Conley
Reg. No. 86700-054
F.C.I. Otisville
P.O. Box 1000
Otisville, NY 10963

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: December 18, 2023
New York, New York